

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

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MERRY F. SHANE, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

AMCORE FINANCIAL, INC., JOHN A.  
HALBROOK, FREDERICK D. HAY, STEPHEN  
S. ROGERS, JOHN W. GLEESON, WILLIAM R.  
MCMANAMAN, JACK D. WARD, PAULA A.  
BAUER, PAUL DONOVAN, TERESA  
IGLESIAS-SOLOMON, JUDITH CARRÈ  
SUTFIN, DONALD H. WILSON, and DOES 1-  
20,

Defendants.

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Civil Action No.: 3:10-cv-50089  
(Consolidated with Civil Action No.  
3:10-cv-50132)

**PLAINTIFFS MICHELLE KRETSINGER AND KEITH KRETSINGER'S  
NOTICE OF DEVELOPMENTS IN THE AMCORE BANKRUPTCY ACTION**

WHEREAS, on August 19, 2010, Defendant Amcore Financial, Inc. ("Amcore") filed a Chapter 11 petition for bankruptcy in the United States Bankruptcy Court for the Northern District of Illinois, case no. 10-37144 ("Bankruptcy Action");

WHEREAS, Plaintiffs Michelle and Keith Kretsinger (the "Kretsingers") filed a proof of claim in the Bankruptcy Action on September 9, 2010 asserting a claim on behalf of themselves, the Amcore Financial Security Plan (the "Plan") and all other similarly situated Plan participants, pursuant to Sections 409, 502(a)(2) of the Employee Retirement Income Security Act of 1974 ("ERISA");

WHEREAS, Amcore filed a First Amended Plan of Liquidation on October 13, 2010 (the “Plan of Liquidation”), and set a deadline for objections to confirmation of the Plan of Liquidation of November 12, 2010;

WHEREAS, the Kretsingers, through their undersigned counsel and bankruptcy counsel, who was retained to protect the Plaintiffs’, Plan’s and proposed class’ interests in the Bankruptcy Action, first contacted bankruptcy counsel for Amcore prior to the objection deadline to outline Plaintiffs’ concerns and issues with respect to the Plan of Liquidation. Undersigned Counsel and bankruptcy counsel negotiated an extension of the objection deadline to November 15, 2010 to allow for a potential consensual resolution of Plaintiffs’ issues;

WHEREAS, the proposed Plan of Liquidation filed by Amcore included multiple provisions that could prejudice Plaintiffs’ claims, including, *inter alia*, the automatic subordination of Plaintiffs’ claims, a release of claims against non-debtors, no provision for the preservation of documents relevant to this litigation and the continuation of the automatic stay for an indefinite period of time;

WHEREAS, as a result of negotiations between bankruptcy counsel for the Kretsingers, in consultation with Plaintiffs and Plaintiffs’ undersigned counsel, and bankruptcy counsel for Amcore, Plaintiffs were able to obtain significant benefits and/or concessions from Amcore to be included within a Modified Plan of Liquidation and Proposed Confirmation Order (collectively “Modified Plan of Liquidation”), including, *inter alia*,: (a) an express agreement by Amcore and the Liquidation Trust Administrator to preserve all relevant Amcore documents, including electronic data, for at least three years and thereafter, destruction only as authorized by the bankruptcy court or another court of competent jurisdiction after a hearing and after notice is provided to Plaintiffs; (b) a complete carve-out for any and all ERISA claims asserted in the

instant case against any non-debtor defendant from any third party release in the Modified Plan of Liquidation; and (c) a provision for the timely lifting of the automatic stay with regard to Plaintiffs' ERISA claims against Amcore, including discovery;

WHEREAS, the Modified Plan of Liquidation will be presented to the court in the Bankruptcy Action on November 17, 2010 for approval.

The benefits and concessions negotiated by the Kretsingers' undersigned and bankruptcy counsel in the Modified Plan of Liquidation will inure to the benefit of the Plan and all other Plaintiffs and members of the proposed class in the instant consolidated litigation.

Dated: November 16, 2010

Respectfully submitted,

/s/ Edward W. Ciolko

Joseph H. Meltzer

Edward W. Ciolko

Peter A. Muhic

Mark K. Gyandoh

Julie Siebert-Johnson

**BARROWAY TOPAZ KESSLER**

**MELTZER & CHECK, LLP**

280 King of Prussia Road

Radnor, PA 19087

Telephone: (610) 667-7706

Facsimile: (610) 667-7056

Norman Rifkind

**LASKY & RIFKIND, LTD.**

Leigh R. Lasky, Esq.

350 N. LaSalle Street

Suite 1320

Chicago, IL 60610

(312) 634-0057

*Proposed Interim Class Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2010, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.

/s/ Edward W. Ciolko  
Edward W. Ciolko